

REMARKS

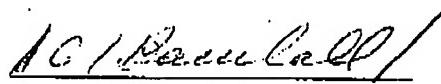
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DEC 26 2006

Applicants respectfully submit that they have addressed each issue raised by the Examiner — except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

Respectfully submitted,

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portion back on with a locking element. Why on earth would one do this? It does not make sense. Why manufacture a unit, break it, then re-assemble it? The Examiner points to no motivation in the art for this procedure. Applicants accordingly respectfully traverse the double patenting rejection.

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be placed over the envelope 24 of Maassen, the result would not be the claimed invention, because the Scott's cap 27 would not be adjacent to Maassen's envelope 24, but rather spaced from it. It is not at all clear that this structure would be functional.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 4.

Maassen/Zhao – claim 8

Applicants respectfully submit that there is no teaching or suggestion in Zhao that would lead one of ordinary skill in the art to combine it with Maassen. Zhao is directed to coatings for a reflector with a casual mention of "ceramic metal halide lamps."

Applicants respectfully submit that the suggestion to combine these references comes from a database text search using Applicants' claim language. Applicants accordingly further respectfully submit that the combination is impermissible hindsight in light of the present disclosure.

Double patenting

Peters, the co-pending application, shows a sleeve/cap unit 60/5, where the cap forms part of the sleeve. The double patenting rejection seems to be based on the idea that one might take the sealed unit, saw off the cap portion 5, and then lock the cap

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completely incompatible with the structure of the lamp in Maassen. Applicants respectfully submit that one of ordinary skill in the art would not combine Maassen and Scott.

Claim 4 depends on claim 1. Claim 1 recites a light source surrounded by a sleeve.

The Examiner states that Scott's element 19 is a sleeve. Applicants respectfully disagree. The light source in Scott is filament 13. There is no sleeve around it. Scott's element 19 is a portion of the base of the lamp.

Claim 4 recites that the sleeve has an outer surface in which at least one recess is present into which a portion of the locking element grips.

The Examiner cites opening 18 against this recitation. Applicants respectfully submit that the Examiner mischaracterizes the reference. Even assuming *arguendo* that thimble 19 were a sleeve, the opening 18 is not a recess in an outer portion of element 19. Instead, opening 18 is stated to be an opening in the reflector, per Scott's p. 2, col. 1, line 5.

Claim 1, from which claim 4 depends, recites the cap is positioned over the sleeve adjacent the end.

The light shield 27 is not adjacent the end of thimble 19 in Scott. Instead, the shield is spaced at some distance from thimble 19 by elements 16 and 17 and also by the thickness of the reflector 10, 11, 14. Thus, even if the assembly of Scott's Fig. 3 were to

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Maassen – claim 7

Claim 7 is dependent on claim 1 and further recites that the holder has a locking element. Claim 1 recites that the sleeve has a locking element.

Against the recitation of claim 7, the Examiner apparently is reciting the very same structure as was cited for claim 1. Applicants do not see any additional locking mechanism on the cap of Maassen, beyond the friction or pressure that was previously discussed. As discussed previously, mere friction or pressure is not a locking element.

Maassen – claim 10/12

Claim 10 recites that the locking element is a mechanical piece distinct from the cap. The Examiner argues that it would be obvious to make the cap and locking elements distinct – but the reference fails to teach any locking element that could be separated from the cap. Mere friction or pressure cannot be separated from the object that causes the friction or pressure. Accordingly, Applicants respectfully request reconsideration of this rejection.

Maassen/Scott.– claim 4

This rejection is respectfully traversed as an improper hindsight reconstruction. In fact, Scott shows a wholly different structure from that recited in the claims and

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allowable. Applicants accordingly respectfully submit that the rejection of claim 11 fails to satisfy 37 CFR 1.104. Clarification is respectfully requested.

Maassen – claim 1

Claim 1 recites a locking element on the sleeve.

Maassen's col 3, line 33 states "cap 10 which is placed on the outer element and is kept in place thereby." The Examiner alleges that this portion of Maassen teaches a locking element. Applicants respectfully disagree.

Consider the example of those shoes known as "loafers." If the undersigned wears a loafer on her foot that is held on by her foot, such an assembly would fail to teach or suggest that the loafer be locked onto her foot with a locking element. Mere friction or pressure is not a locking element. Without such a locking element, the loafers will slide off rather easily, which is precisely the problem that the invention is intended to address.

Accordingly, Applicants respectfully submit that the Examiner misconstrues the reference. Applicants therefore respectfully submit that the Examiner has failed to make a *prima facie* case against claim 1.

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Allowance of claim 3 is gratefully acknowledged.

Art rejections

The art rejections are respectfully traversed.

Since the references are many, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated.

Applicants make no representation as to the contents of other portions of the references.

Any of the Examiner's rejections and/or points of argument that are not addressed below would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

The prior arguments are incorporated by reference and supplemented as follows.

Claim 11

There is something strange about the office action with respect to claim 11. Claim 11 was originally listed in the first art rejection. Someone has then crossed out 11 and substituted 7. There is no further rejection of claim 11-- nor is claim 11 indicated as